

# EXHIBIT A

1 UNITED STATES BANKRUPTCY COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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5 In the Matter of:

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7 SECURITIES INVESTMENTS, Case No. 08-1789 (SMB)

8  
9 Debtor.

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12 U.S. Bankruptcy Court  
13 One Bowling Green  
14 New York, New York

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16  
17 February 14, 2014

18 11:01 AM

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23 B E F O R E :

24 HON STUART M. BERNSTEIN

25 U.S. BANKRUPTCY JUDGE

1     Hearing re:   Conference Re:   Request for Consolidated  
2     Briefing in Madoff (08-1789) in connection with Dkt. Nos.  
3     5641, 5644, and 5648.

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25     Transcribed by:   Dawn South

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1 into that category which we would like to brief on a common  
2 briefing schedule.

3 Now I know that Ms. Chaitman (ph) has a number --  
4 128 motions to dismiss pending before Your Honor, and those  
5 raise a number of the same issues as our motions to dismiss,  
6 so we think it makes some sense to coordinate the 200 or so  
7 briefs on virtually the same issues.

8 I think that pretty much describes what our  
9 thinking is. Coordination really has been the benchmark of  
10 this case right from the get go.

11 The defense group -- our defense group has really  
12 not only coordinated amongst ourselves but tried to  
13 coordinate with all the other outside counsel to -- to make  
14 sure that everybody had a chance to be heard on the -- on  
15 the most important issues, and we think that that practice  
16 should continue.

17 What we were thinking is that if there was a  
18 consolidated docket like Judge Rakoff had you could see  
19 where a motion came on or something came on in discovery so  
20 that if people knew that that issue affected them they could  
21 intervene or notify the Court that they wanted to  
22 participate in the briefing on that.

23 So there are some issues I think we could identify  
24 right off the top of our heads which we think could be  
25 jointly briefed and others which may come up as the briefing



1 Circuit right now. 546(e) and the inflation adjustment.

2 Those with the two issues.

3 THE COURT: All right. Yes.

4 MR. SCHWED: If I might just the mechanical  
5 question it seemed as if there is one question which both  
6 sides agree upon and that's the master docket which we have  
7 discussed in the past and I think there was general  
8 agreement but it's not happened. I don't know if it  
9 requires a perfunctory order from the Court or how it should  
10 be done to make it happen so there are dual entries  
11 essentially --

12 THE COURT: Uh-huh.

13 MR. SCHWED: -- individual adversary proceedings,  
14 and a master calendar, but that would go a long way toward I  
15 think addressing some of the problems we've raised here.

16 I defer to Your Honor obviously in terms of the  
17 best way to handle that.

18 THE COURT: Well it seems to me that's the easiest  
19 thing to deal with, because even if you can't have a  
20 consolidated docket the trustee could send out an email  
21 blast to everybody saying these motions were filed in these  
22 cases go look at the docket sheets.

23 MR. SCHWED: That would be fine as well, Your  
24 Honor.

25 THE COURT: That's an easy one, but the problem I

1 have with -- yes, sir.

2 MR. KIRBY: Just one quick point.

3 On the issue of discovery we think it is a much  
4 broader issue that we need to coordinate on than the issue  
5 identified by Mr. Sheehan.

6 THE COURT: All right. Let me deal with the  
7 motions and the consolidated motions.

8 I mean in principal I don't disagree with you,  
9 Ms. Neville, but the problem is I have 1,000 cases that have  
10 to be tried and maybe another 1,000 claims objections, or  
11 whatever the number is, that have to be resolved, and what  
12 you're really suggesting and what caught my ear is when you  
13 said don't try the case, it's scheduled for trial, is then  
14 all these proceedings can't move any faster than the slowest  
15 case. So if somebody calls up and they say, oh, I can't be  
16 in town I need an extension, I have to -- I'm going away on  
17 a vacation with my kids that slows everything up.

18 If you can come up with a proposal which makes  
19 sense I'll certainly hear it, but right now I have a pending  
20 motion to dismiss, it's been out there for a while,  
21 apparently you found out about it because I suspect that  
22 what was contributed to writing the letter that I got and my  
23 intention is to decide that motion. It doesn't stop people  
24 from making other motions and raising arguments that I  
25 haven't considered.

1 If I decide it one way based on a certain argument  
2 and you make the same argument it's probably going to be  
3 decided the same way, but I don't know of any better way to  
4 deal with and start to try these 1,000 cases.

5 MS. NEVILLE: Well, Your Honor, I think there are  
6 two different things --

7 THE COURT: I mean the bottom line is I'm not  
8 going stay anything.

9 MS. NEVILLE: There are two different things here.  
10 One is the consolidated briefing and the other is the things  
11 -- the cases moving to trial.

12 In the consolidated briefing if you gave us two  
13 more weeks we would intervene and Ms. Chaitman --

14 THE COURT: You haven't even told me what issues  
15 you want to brief.

16 MS. NEVILLE: -- or put our motions on the  
17 calendar, because we've got -- our motions have been pending  
18 since last March. So that we at least can move in lock step  
19 with Ms. Chaitman. That isn't stopping the trial, that is  
20 just moving 10 or more issues together with almost 200  
21 cases.

22 THE COURT: Uh-huh.

23 MS. NEVILLE: So that's one thing I would ask Your  
24 Honor.

25 I can't really speak to the trial issues since